

MINUTES

REGULAR MEETING – PLANNING BOARD

September 23, 2021

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, September 23, 2021 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

- 1. **Call to Order**
- 2. **Roll Call.**

Tony Barhoo (Vice Chair)	Present
Helen Humphreys	Present
Michael McLean	Present
James Newman	Present
Tony Servance (Chair)	Present
Milverton Robinson	Present
Cathy Washington (Secretary)	Present

Also Present:

Dennis Mrozek, Planning Director
Robert Jagger, City Attorney
Rose Askew, Planning Coordinator
Vanessa Trimble, Planning Technician

3. **Approval of Minutes**

Approval of the Minutes of the August 26, 2021 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood A venue, Daytona Beach, Florida.

Board Action

It was moved by Ms. Humphreys to approve the minutes as corrected, seconded by Mr. Barhoo. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

New Items

4. Minto Cloar – Preliminary Plat – DEV2020-041 (Quasi-Judicial Hearing)

A request by John Townsend, P.E., Donald W. McIntosh Associates, Inc., on behalf of Minto Communities, LLC., to approve a 260 ± acre Major Subdivision Preliminary Plats for the Cloar Residential Development, to allow 500 single-family residential units, generally located 0.5 miles northwest of the intersection of I-95 and LPGA Boulevard.

Staff Presentation

Rose Askew, Planning Coordinator presented the staff report that was included as part of the packet. She stated the request was to approve a 260± acre major subdivision preliminary plat, to allow 500 single-family residential units.

Applicant Presentation

Jessica Gow, Cobb Cole Law Firm, 149 South Ridgewood Avenue, stated she was there to answer any questions. She stated the site is 260 acres and they are preserving the 141 acres of wetlands on the site.

Mr. McLean asked if there has been any definitive discussion regarding the amenities at this point.

Ms. Gow stated the final plat is in initial review and did not have the final scope of what that entailed.

Dennis Church, Director of Planning, Minto Communities, stated the 10,000 square feet was just a placeholder if we wanted to put something on that property. He stated they made a commitment to the community to conduct a survey, which is in process right now. He stated they don't have any plans to put amenities on this property. He stated they plan to aggregate them in the town center and fund improvements that they've already committed to.

Mr. McLean asked if using the 10,000 square feet was the example, or placeholder to augment what's already there and not necessarily place something in the fore property area.

Mr. Church stated that was correct.

Mr. Barhoo stated, looking at the lot sizes, they are close together.

Citizens Comments

No comments

Board Action

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Newman seconded the motion in accordance with the staff report as presented. The motion passed 7-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea

Milverton Robinson Yea
Cathy Washington (Secretary) Yea

5. **First Amendment to Project Sigma – Planned Development-General (PD-G) Rezoning DEV2021-094 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Crisp39-6 LLC & Crisp 39-7 LLC, for approval of the First Amendment to the Project Sigma Planned District (PD) Agreement, generally located on the west side of North Clyde Morris Boulevard and the northwest quadrant of the LPGA Boulevard and Clyde Morris Boulevard intersection to allow single-family landscaping criteria.

Staff Presentation

Dennis Mrozek, Planning Director presented the staff report that was included as part of the packet. He stated the property is generally located on the west side of North Clyde Morris Boulevard and the northwest quadrant of LPGA Boulevard and Clyde Morris Boulevard intersection to allow for single-family landscaping criteria. He stated it is essentially consistent with what they might see for a single-family for a multifamily development. He stated the property is vacant and undeveloped.

Mr. Newman asked if the original PD had any other exceptions for landscape requirement.

Mr. Mrozek stated no, they were just meeting all the landscape requirements for the project. He stated it's with the houses and the buildings themselves that they're going to see the change in the landscaping.

Mr. Newman stated he wanted to clarify the total development would have perimeter landscaping.

Mr. Mrozek stated correct, and the parking lot would have the required landscaping.

Mr. Newman asked about one tree per building or every forty feet.

Mr. Mrozek stated the Land Development Code (LDC) requires all single-family developments, every lot to have a minimum of one tree. He stated it expands it to say for every forty feet, you should have a tree planted. He stated the recommendation would be to follow that requirement one for every building or every forty feet.

Mr. Newman asked if that would only apply to the four quadriplexes.

Mr. Mrozek stated , basically, or for a single unit.

Mr. Newman asked if the maximum size would be four units.

Mr. Mrozek stated four units or less.

Mr. Newman asked if there were any existing codes that for landscaping for, say, a duplex.

Mr. Mrozek stated that have to follow what a single family would apply.

Applicant Presentation

Jessica Gow, Cobb Cole Law Firm, 149 South Ridgewood Avenue, stated she was there to answer any questions. She stated the trees have to be in the front yard, which mimics the Land Development Code standards, so they are not hidden in the back. She stated she was there to answer any questions.

Ms. Humphreys asked why they don't utilize Pittosporum or Podocarpus. She stated she'd like to see them used more.

Ms. Gow stated they specified shade tree, and a palm tree counts the shade tree under the city's code or there's a limit on how many.

Mr. Mrozek stated it's probably two palm trees for every one tree. He stated they typically don't go with palm trees up front for the shade trees, they'll just go with the shade trees themselves.

Citizens Comments

No comments

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations. Mr. Barhoo seconded the motion in accordance with the staff report as presented. The motion passed 7-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

6. First Amendment to Project Theta – Planned Development-General (PD-G) Rezoning DEV2021-092 (Quasi-Judicial Hearing)

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Crisp39-6 LLC, for approval of the First Amendment to the Project Theta Planned District (PD) Agreement, generally located in the southeast quadrant of the Williamson Boulevard and Strickland Range Road intersection to allow single-family landscaping criteria. He stated the property is vacant and undeveloped.

Staff Presentation

Dennis Mrozek, Planning Director presented the staff report that was included as part of the packet. He stated the property is generally located in the southeast quadrant of the Williamson Boulevard and Strickland Range Road intersection to allow for single-family landscaping criteria for some types of multifamily development. He stated it is 37.1± acres, the multifamily buildings have to be four units or less.

Mr. McLean asked for clarity on the second reading in November.

Mr. Mrozek stated it would be November 17, 2021.

Citizens Comments

No Comments

Board Action

It was moved by Ms. Washington to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

7. **Temporary Event Parking – Land Development Code (LDC) Text Amendment DEV2021-083 (Legislative Hearing)**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5 of the Land Development Code (LDC), to add to Section 5.4.C Temporary Event Parking and adding standards that will govern the use.

Staff Presentation

Rose Askew, Planning Coordinator presented the staff report that was included as part of the packet for the text amendment request. She stated the request was to amend Article e, Section 5.4.C of the LDC to add Temporary Off-Street Event Paid Parking for properties within one mile of the Daytona International Speedway Planned Development District boundaries and to add use specific standards to govern the new temporary use.

Ben Gross, Deputy City Attorney stated, there is a temporary use term already in the LDC, which is different from this and is intended to be different which doesn't require permit. He stated it's called Temporary Off Street Event Parking, and to avoid confusion when it moves forward to the City Commission, they're going to use a different term than what was used in the staff report. He stated the criterion will be changed to read that the parking area used for temporary parking cannot be within 150-feet of a residential area. He stated all the businesses eligible for would need to be within a mile of the speedway. He stated the intent here is to allow those third-party parking facilities to be used during major event periods like Bike Week and Biketoberfest and Speedweeks.

Mr. McLean asked if they need to include those changes in the motion.

Mr. Gross stated no, if they adopt the motion as recommended, it's something their office would do.

Mr. Mrozek stated where it states this can only occur on a parcel that has a regularly operated and permitted use year-round, they're going to modify that. He stated they have a parking area that has been improved to accommodate parking. He stated that business may not be operating year-round, as long as they have a parking lot that has met the standards of the code, that parking lot could be used.

Mr. Gross stated they should include the changes in their motion.

Mr. Robinson asked if this only pertained to the speedway and not citywide.

Ms. Askew stated it pertains to major events that are approved by the City. She stated any racing events that are within a one-mile radius and typically the racing events are the speedway. She stated if for some reason an event occurs that's not, if it's within one mile of the area specified, they would still be able to utilize it.

Mr. Gross stated there are two different types of limitations. He stated the properties in question have to be within a mile of the speedway and in addition the time requirements. He stated they get a total of 30 days a year. He stated they can't do it on any old weekend, they have to do it when there's a big enough race that The City recognize it.

Mr. McLean asked, as a special event.

Ms. Askew stated correct, it has to be a race that the City designates as a major sports event.

Mr. Robinson asked about events on Beachside.

Mr. Gross state this didn't apply to that.

Mr. Robinson asked, why not make it Citywide.

Mr. Gross stated this is to handle community impacts of major races like the Daytona 500 on our public infrastructure system.

Ms. Askew stated the City has regulation for the type of events Mr. Robinson is asking about. She stated the only type of event that were not covered, were racing events.

Mr. Robinson stated he was concerned it was specific to speedway.

Mr. Gross stated there is language in the land development code that authorizes the commission to allow all kinds of temporary outside activities in distressed and blighted areas in association with community festivals, Bike Week and Biketoberfest is an example of a situation where the Commission uses that authority to allow outside vending as well as parking in certain distressed and blighted areas.

Mr. Robinson asked why one mile.

Mr. Mrozek stated people are going to be walking, and they didn't want people walking more than one mile. He stated it's a good radius to use for people walking and going into the stadium.

Mr. Robinson asked if they got input from the Redevelopment areas.

Mr. Mrozek stated they don't have any redevelopment areas out within a one mile of the speedway.

Mr. Barhoo asked if a permit will be issued, will there be a cost to the permit, and how will that be monitored for those businesses.

Ms. Askew stated they are proposing that each person that participate has to apply for a parking permit. She stated the temporary parking permit will have specific days they will be parking. She stated they have to provide a site layout for staff to review to make sure the parking is being set up in a manner that's not going to cause any issues in the surrounding area for ingress, egress, and how many are going to be on the property.

Mr. Mrozek stated the LDC has a section it allows, it's a little bit different, but temporary off street RV parking, overnight RV parking. He stated they would be going through that same process.

Mr. Barhoo asked if staff was going to monitor it to make sure they comply.

Mr. Mrozek stated they're supposed to.

Mr. Robinson asked if there was any consideration for the cost of parking.

Ms. Askew stated they don't provide any determination or any type of requirement for what a person can charge you to park on their property.

Mr. Mclean stated that would be supply and demand.

Mr. Mrozek stated the Speedway offers free parking in some of their lots.

Mr. Newman asked if a business closes, they would still be able to use their parking.

Mr. Mrozek stated that there's no overnight parking associated with this temporary event parking.

Mr. Newman stated with no limits on how much they charge for parking, on the beach side there are places that never open except for the two weeks of Bike Week. He asked how they prevent that from happening out around the speedway.

Mr. Mrozek stated it's potentially an issue and could happen. He stated the cost of operating for a year-round business on International Speedway parking for 30 days probably wouldn't cover that cost.

Citizens Comments

No comments

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

8. **Land Development Code Text Amendment – Temporary Outside Activities Main Street and MMB, DEV2021-068 (Legislative Hearing)**

A request by the Development and Administrative Services Department, Planning Division, to modify the previously review item by the Planning Board, to amend Article 5, Section 5.4 of the Land Development Code (LDC), to add Temporary Outside Activities as a temporary use on properties located on Main Street and Dr. Mary McLeod Bethune Boulevard; and to add use specific standards for the temporary use.

Staff Presentation

Rose Askew, Planning Coordinator presented the staff report that was included as part of the packet for the text amendment request. She stated the request was to modify the previously approved request to amend Article 5, Section 5.3 of the Land Development Code to add Outdoor Art Display and Sales Activities as an accessory use on commercial properties located in the RDB-2, RDB-3, RDM-2, and RDM-5 zoning districts that front on Main Street and Dr. Mary McLeod Bethune Boulevard; and adding use specific standards for the new accessory use. She stated the Board reviewed the original amendment request at the July 24, 2021 Planning Board meeting and recommended approval by vote of 5-to-0. After the meeting staff completed additional review of the request and determined to make the entire corridor of Dr. MMB Boulevard consistent additional commercial properties from Charles Street east to North Ridgewood Avenue needed to be added. Ms. Askew stated the result of this change would allow all commercial properties fronting on Dr. MMB Boulevard from Dr. Martin Luther King, Jr. Boulevard to North Ridgewood Avenue to allow the accessory use on their properties. The modification of the text amendment request requires the addition of the Redevelopment Downtown – Commercial (RDD-3) and Business Retail-1 (BR-1) zoning districts and an extension of the boundary where the activities would occur to include commercial properties from Charles Street to North Ridgewood Avenue.

Citizens Comments

No Citizen Comments

Board Comments

Mr. McLean complemented staff for being proactive with updating the request to include additional properties.

Mr. Robertson stated in reviewing the information presented he did not see any consultation with the Midtown or Beachside Redevelopment Area Boards. He asked why the boards were not consulted because the request affects them.

Ben Gross, Deputy City Attorney stated the Land Development Code does not provide the redevelopment area boards any jurisdiction for review for these types of requests. He stated the City Commission could request that the redevelopment boards review and provide comments. He stated in terms of redevelopment area board’s general authority there is language that states the City Commission can by resolution delegate additional authority to the boards. He stated also if a request gets to the City Commission and they decide they want input from the redevelopment boards they can direct staff to take the request to the boards for review. Mr. Gross stated the original text amendment request that came before the Planning Board was the result of the Main Street Tattoo and Art Gallery rezoning request. The Commission directed staff to draft language in the LDC that would allow the same uses along the Main Street and Dr. MMB Boulevard corridors. He stated the Commission has not directed staff to bring these types of requests to the redevelopment area boards for review.

Dennis Mrozek, Planning Director stated he would speak with Reed Berger, Redevelopment Director to have the information forwarded to the redevelopment area boards so they can see the action moving forward to the Commission.

Mr. Robinson stated he feels it does a disservice to the Commission not to have input from the redevelopment area boards on requests that affect their areas, even if the process does not require staff to get their input.

Mr. Servance thanked staff for the extra review of the area and for including the additional properties. He stated hopefully this will help improve the area. He stated to Mr. Robinson that any recommendations he would like his commissioner to speak about should be communicated directly to them so it can be addressed at the commission meeting. He stated this discussion has come up at several meetings and the Commission has not requested to have the proposals be sent to the redevelopment boards.

Ms. Washington stated good job to staff.

Mr. Gross stated for the record there were not any public comments.

Board Action

It was moved by Mr. Barhoo to approve to approve the request per staff recommendations. Mr. McLean seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

9. Other Business

A. Downtown/Ballough Road Redevelopment Area Board Report

No comments

B. Midtown Redevelopment Area Board Report

Mr. Robinson stated there was no meeting, however he has submitted his resignation as the representative to the Midtown Board, effective immediately.

Mr. Mrozek stated they would need a replacement as the liaison.

Mr. Servance asked if anyone wanted to volunteer.

Mr. Gross stated the board would make the recommendation; the City Commission has to make the appointment.

Ms. Washington stated let the board make the submission.

Mr. Gross stated there's no absolute requirement that the board make a recommendation, but it would be helpful to the Commission to understand whoever is appointed is willing to serve.

Mr. Mrozek stated it will be someone from the Planning Board.

Mr. Servance stated they would come back to that at the next meeting.

C. Main Street/South Atlantic Redevelopment Area Board Report

No comments

D. Public Comments

No comments

E. Staff Comments

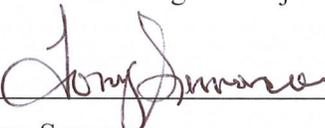
No comments

F. Board Member Comments

No comments

16. Adjournment

There being no further discussion or comments the meeting was adjourned at 7:00 pm.



Tony Servance
Chair

ATTEST:



Cathy Washington
Secretary